

Municipal Clerk
Atlanta, Georgia

Z-03-78

AN ORDINANCE BY:
ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, BY AMENDING PART 16, CHAPTER 18 SO AS TO CREATE A NEW SPECIAL PUBLIC INTEREST DISTRICT TO BE KNOWN AS SPI-19 BUCKHEAD PEACHTREE CORRIDOR DISTRICT; SO AS TO CREATE DISTRICT REGULATIONS FOR SAID NEW SPI-19; SO AS TO AMEND THE OFFICIAL 1982 ZONING MAP BY OVERLAYING SAID AMENDED SPI-19 DISTRICT UPON EXISTING ZONING DISTRICTS; AND TO AMEND CHAPTER 28A.010 BY ADDING A NEW SUBSECTION (44) SPI-19 BUCKHEAD PEACHTREE CORRIDOR DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, the Peachtree Road corridor within the Buckhead Community Improvement District is the primary transportation artery in Buckhead's central commercial district consisting of more than 150 owners of commercial real estate valued at over \$ 2 billion; and

WHEREAS, the Peachtree Road corridor within the Buckhead district is vital to the economic success of over 200 retail, services, hospitality, financial, insurance, banking companies and corporations; and

WHEREAS, the Peachtree Road corridor within the Buckhead district is used by more than 20,000 daily employees and commuters; and

WHEREAS, the Peachtree Road corridor within the Buckhead district is the primary transportation corridor for more than 21 residential neighborhoods with over 30,000 residents; and

WHEREAS, the Peachtree Road corridor within the Buckhead district accommodates thousands of shoppers and tourists from all over the city, state, region, country and world on a daily basis; and

WHEREAS, traffic congestion, the pedestrian environment, and transit access on the Peachtree Road corridor must improve to maintain the commercial viability and quality of life for Atlanta citizens who live, work and visit the Buckhead area; and

WHEREAS, the commercial property owners in the Buckhead Community Improvement District have invested millions of dollars raised through self taxation to fund the Peachtree Corridor Project, a major re-design and re-engineering of Peachtree Road that includes intersection re-design with connecting arterials for pedestrian crossing and signal efficiency, medians, pedestrian and street lighting, way finding signage, utility relocation, bike lanes, enhanced transit stops and linkages (rail and bus) and shuttle infrastructure; and

WHEREAS, the Peachtree Corridor Project is the result of an extensive community planning process beginning in 1994 with the Buckhead Coalition's Buckhead Blue Print, the 1998 Urban Land Institute's Buckhead Community Study, the 2001 Buckhead Livable Centers Initiative Plan funded by the Atlanta Regional Commission and is contained in the City of Atlanta's Community Development Plan; and

WHEREAS, the Peachtree Corridor Project construction for Phase I is scheduled to begin 2nd quarter of 2004; and

WHEREAS, the Peachtree Corridor Project is multi-million dollar investment local, state and federal funds to enhance a major commercial thoroughfare for Buckhead, the City of Atlanta and the Region; and

WHEREAS, to implement the Peachtree Corridor Project right of way must be obtained from commercial property owners who own property along Peachtree Road in the Buckhead Community Improvement District; and

WHEREAS, it is in the interest of the City of Atlanta to obtain the right-of-way necessary to implement the Peachtree Corridor Project by the most efficient and economic means possible; and

WHEREAS, the enactment of new Special Public Interest District Zoning regulations for commercial property owners affected by the Peachtree Corridor Project to maintain the *status quo* with regard to density allocations, sidewalk and landscaping requirements, signage, and front building setbacks will accomplish more efficient and economical acquisition of right of way necessary for the implementation of the Peachtree Corridor Project;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by amending Part 16, Chapter 18 *et seq.*, so as to add a new SPI District, Chapter 18R, to be known as the SPI-19 Buckhead Peachtree Corridor District regulations, which new district shall read as is set forth in Attachment "A" attached hereto and incorporated by this referenced and which new District Regulations shall be applied as an overlay zoning district to those properties within the boundaries identified in Attachment "B" attached hereto and incorporated by this reference.

Section 2: That the 1982 Official Zoning Map of the City of Atlanta is hereby amended so as to rezone all properties shown on Attachment "B", attached hereto and incorporated by this reference to the overlay zoning SPI-19 Buckhead Peachtree Corridor District set forth in Section 1 of this Ordinance.

Section 3: That Chapter 16-28A.010 of the City of Atlanta Municipal Code, the Sign Ordinance, be amended by adding a new subsection (44) to read as follows:

(44) SPI-19 Buckhead Peachtree Corridor District: Sign regulations shall be as otherwise established for each underlying zoning district (See chapter 28A for sign regulations applicable to each of the underlying zoning districts which form a part of the Peachtree Corridor District). In addition, the following sign regulations shall apply to the SPI-19 Buckhead Peachtree Corridor District:

- (a) Construction-impacted parcels with lawful freestanding signs existing on the date of adoption of this Chapter that are displaced as a direct result of the construction of the Peachtree Corridor Project:
 - i. Shall be permitted to replace or rebuild said displaced signs on other lawful locations provided said displaced signs shall not be permitted within the street-tree planting zone or sidewalk clear zone;
 - ii. Shall not be permitted to relocate or rebuild said signs in any manner that results in a greater degree of non-conformity than the pre-construction sign;
 - iii. Shall be required to meet the sign regulations applicable to said parcel's underlying zoning designation for all other and future signs.
 - iv. For purposes of these regulations, "construction of the Peachtree Corridor Project" shall mean all construction in furtherance of the Buckhead CID implementation project known as the Buckhead Peachtree Corridor Streetscape/Transportation Project ("Construction").

Section 4: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

ATTACHMENT "A"

CHAPTER 18R. SPI-19 BUCKHEAD PEACHTREE CORRIDOR SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS

Sec. 16-18R.001. Scope of Provisions.

- (1) The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations for the SPI-19 Buckhead Peachtree Corridor Special Public Interest District. These regulations shall overlay existing zoning districts or portions of existing zoning districts and all regulations governing all properties within the Buckhead Peachtree Corridor Special Public Interest District shall remain in full force and effect. The regulations contained within this chapter 18R shall be overlaid upon, and shall be imposed in addition to, said existing zoning districts and regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations shall apply.
- (2) The regulations set forth in this Chapter shall apply to all parcels located within the SPI-19 Buckhead Peachtree Corridor Special Public Interest District whose property lines contiguous to Peachtree Road as existing on the date of adoption of this Chapter have been moved or altered as a direct result of construction of the Peachtree Corridor Project. Said parcels shall be referred to herein as "impacted parcels." For purposes of these regulations, "construction of the Peachtree Corridor Project" shall mean all construction in furtherance of the Buckhead CID implementation project known as the Buckhead Peachtree Corridor Streetscape/Transportation Project ("Construction").

Sec. 16-18R.002. Statement of intent.

The intent of the council in establishing the SPI-19 Buckhead Peachtree Corridor Special Public Interest District is as follows:

1. Implement provisions of the Comprehensive Development Plan incorporating recommendations contained in studies of this area, including the Buckhead LCI Master Plan and the Buckhead CID implementation project known as the Buckhead Peachtree Corridor Streetscape/Transportation Project;
2. Support the efficient movement of traffic with sensitivity to neighborhood integrity;
3. Support pedestrian activity and bicycling as preferred modes of transportation in this densely developed area;
4. Rebuild intersections in high pedestrian traffic areas to reduce crossing distances and improve visual quality;
5. Minimize the number of curb cuts and encourage curb cut consolidation to minimize pedestrian and automobile conflicts; and

6. Reduce potential negative impacts that the construction of this Peachtree Corridor project may have on those adjacent properties with Peachtree Road frontage along the corridor.

Sec. 16-18R.003. Boundaries of district established.

The boundaries of the SPI-19 Buckhead Peachtree Corridor Special Public Interest District are shown on map Attachment "B" which by this reference is incorporated into and made a part of this chapter and this part.

Sec. 16-18R.004. Development Regulations.

- (1) *Density*. Impacted parcels shall be permitted to calculate all future floor area ratio (FAR) calculations utilizing existing pre-construction property lines, provided that property owners seeking to calculate said FAR in this manner shall provide at the time of submission of the required Special Administrative Permit (SAP) a sealed property line survey showing all pre-construction and post-construction property lines so as to enable the city to accurately verify said FAR calculations.
- (2) *Sidewalks and Landscaping*. Impacted parcels shall be permitted to credit new street tree planting and sidewalk areas created as a part of the Peachtree Corridor Project towards: (i) any required street tree planting and sidewalk requirements; and (ii) any required open space requirements.
- (3) *Signs*. See Chapter 16-28A.010(44)
- (4) *Administrative Amendments*. Impacted parcels that become out of compliance with underlying zoning regulations, including existing site plans approved prior to the date of adoption of these regulations, regarding Peachtree Road requirements for building setbacks, relationship of building to street, street tree planting, sidewalks, and/or landscaping, as a direct result of the construction of the Peachtree Corridor Project, shall be permitted to utilize the provisions for variations provided in Sec. 16-18.007 to request administrative site plan amendments without further City Council review to administratively correct said compliance discrepancies as to said elements. This subsection 4 shall not be construed or utilized so as to exceed or increase the pre-construction development permission of any such parcel.

Attachment “B”: SPI-19 Buckhead Peachtree Corridor SPI

